

### **REMARKS**

In this Amendment, Applicant has cancelled Claims 11 without prejudice or disclaimer and amended Claim 6. Claim 6 has been amended to overcome the rejection and specify the additional embodiments of the present invention. The support for the amendment can be found throughout the specification. It is respectfully submitted that no new matter has been introduced by the amended claims. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

### **REJECTIONS UNDER 35 U.S.C. § 103:**

Claims 6 – 13 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Townson et al. (U.S. Patent 5,888,934), hereinafter Townson.

Applicant traverses the rejection and respectfully submits that the embodiments of the presently claimed invention are not obvious over the cited reference because they are significantly different from the disclosure of Townson in that the present invention defines a dry method of making a solid herbicidal formulation of N-(phosphonomethyl)glycine in the form of ammonium bicarbonate salt with solid tensioactive agents, which is neither disclosed or suggested in the Townson reference. In fact, Townson only discloses the conventional wet method. There is no motivation or reasonable expectation of success for modification of Townson to achieve the present invention as defined.

More specifically, Claim 6 has been amended to define a process of preparation of a solid herbicidal formulation of N-(phosphonomethyl)glycine in powder, granule or flake form, soluble or dispersible in water, comprising Glyphosate (N-(phosphonomethyl)glycine) in the form of ammonium bicarbonate salt and 5% to 30% by weight of one or more hydrosoluble tensioactive agents, which are compatible with

Glyphosate and solids at ambient temperature of about 25 °C, said process comprising the steps of “(a) mixing N-(phosphonomethyl)glycine with an equimolar quantity of ammonium bicarbonate and between 5% and 30% by weight of the solid tensioactive agent of the dry weight of the final mixture, at 25 °C, (b) kneading or mixing the resulting formulation until the mixture is completely homogenized, and (c) processing the resulting mixture until obtaining the desired formulation, in powder, granules, or flakes.” The dependent Claims 7 – 13 includes these features by their dependency on Claim 6. The amendment is well supported by the specification, for example, the original Claims 1 and 11, Example 1 – 3, the description on page 3, lines 26 – 30 of the specification.

Applicant respectfully submits that Townson fails to disclose the dry method as claimed. Townson discloses a solid form of a composition consisting of glyphosate and an ethoxylated alcohol (surfactant agent). Townson only mentions the conventional wet method of making such composition (see col. 3, lines 29 – 47, 58 – 62; col. 7, lines 37 – 42, lines 48 – 51; col. 9, lines 58 – 60; col. 11, lines 49 – 50; col. 15, lines 26, 36, 45). Townson does not disclose or suggest the preparation of a solid herbicide formulation in a soluble glyphosate salt with a surfactant agent by the technique of neutralizing and dry blending used in the present invention. The description at col. 6, lines 46 – 47, lines 59 – 61, as cited by the Examiner, mentioned “solid compositions.” It indicates that, to prepare solid compositions, one ought to mix the active ingredient, which is glyphosate or a salt thereof, with an inorganic diluent and perhaps with a wetting agent. It does not provide any suggestion on how to prepare the glyphosate salt **beforehand**. It only refers to **the final product** of the composition as defined in Townson, which is in solid granules or powder form for applying to plants. There is no disclosure or suggestion on **how the composition is made** except by the conventional wet method. Such description only deals with using the composition after it is obtained. Townson discloses a process for preparing solid formulations comprising at least two steps: the preparation of glyphosate salt and mixing the obtained glyphosate salt with other ingredients. Townson firstly discloses making the glyphosate salt by the wet method. It then discloses mixing the glyphosate salt made by the wet method (after it is dried) with other ingredient. It does not disclose the dry mixing of N-(phosphonomethyl)glycine with an equimolar quantity

of ammonium bicarbonate and a solid tensioactive agent at 25 °C. Therefore, Townson does not provide any teaching or suggestion of the dry method as claimed.

To the contrary, the present invention as claimed define the method of preparing a solid herbicidal formulation of N-(phosphonomethyl)glycine comprising the step of mixing N-(phosphonomethyl)glycine with an equimolar quantity of ammonium bicarbonate and a solid ensioactive agent at 25 °C. These steps are not disclosed, suggested or rendered obvious by Townson.

Applicant hereby respectfully submits a Declaration under 37 CFR 1.132, which provide evidence showing the significant difference between the conventional wet method and the dry mixing method of the present invention, and the unexpected advantages achieved by the present invention. As shown in the Declaration, the conventional wet method as discussed by Townson suffers from technical difficulties during mixing due to high viscosity and inefficient heat transfer. However, these problems are solved by the dry mixing method of the present invention, because all ingredients are solid (glyphosate, ammonium bocarbonate and surface active agent) at the temperature of 20°C – 30°C. The dry mixing method ensures that the mixture is in the form of a fluid powder during the mixing, which is significantly different from the wet method in Townson. The wet method in Townson resulted in raised temperature ( for example, above 45°C) and a sticky mixture that is difficult to handle. In addition, the temperature of 20°C – 30°C is important in the dry mixing method because it make it possible to keep the form of a fluid powder during the mixing.

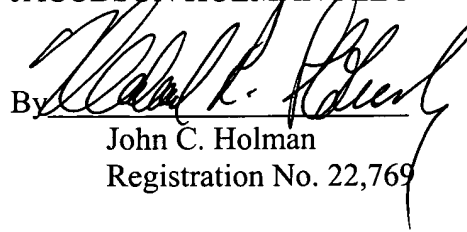
In addition, it is respectfully submitted that the term “tensioactive agent”, as inquired by the Examiner, is equivalent to “surface active agent”. These terms can be clearly understood by a person of ordinary skill in the art.

Therefore, the rejection under 35 U.S.C. § 103 has been overcome. Accordingly, withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

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Enclosure:

Declaration under 37 CFR 1.132